

Introduced by the Hon R S L Jones, MLC

First print



New South Wales

Summary Offences Amendment (Selling Spray Paint to Minors) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to prevent the sale of spray paint to minors.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the day that is 3 months after the date of assent, unless it is commenced by proclamation earlier than that date.

Clause 3 is a formal provision giving effect to the amendments to the *Summary Offences Act 1988 (the Act)* set out in Schedule 1.

Schedule 1 [1] inserts proposed section 10C in the Act. The proposed section makes it an offence to sell spray paint to a person under the age of 18 years.

Schedule 1 [2] amends section 29 (Penalty notices) so as to allow alleged offences under proposed section 10C to be dealt with by way of penalty notices ("on-the-spot" fines).

Schedule 1 [3] amends section 30 (No detention for certain offences) to ensure that a person cannot be jailed or detained in a detention centre for failing to pay a fine for an offence (or an alleged offence) under proposed section 10C.



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New South Wales

Summary Offences Amendment (Selling Spray Paint to Minors) Bill 1997

No. , 1997

A Bill for

An Act to amend the *Summary Offences Act 1988* to prevent the sale of spray paint to minors.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences Amendment (Selling Spray Paint to Minors) Act 1997*.

2 Commencement

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This Act commences on the day occurring 3 months after the date of assent, unless commenced sooner by proclamation.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

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Schedule 1 Amendments

(Section 3)

[1] Section 10C

Insert after section 10B:

10C Sale of spray paint to minors

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- (1) A person must not sell spray paint to a person under the age of 18 years.

Maximum penalty: \$20.

- (2) It is a sufficient defence to a prosecution for an offence under this section if it is established that the person to whom the spray paint was sold was of or above the age of 14 years and that before the spray paint was sold there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years. 10
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- (3) In this section:

sell includes offer for sale.

[2] Section 29 Penalty notices

Omit "section 11" from section 29 (1) and (3) wherever occurring. 20
Insert instead "section 10C or section 11".

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Schedule 1 Amendments

[3] Section 30 No detention for certain offences

Omit "section 11". Insert instead "section 10C or section 11".